

September 18, 2007 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0381

Virginia Mazza

Matoaca Magisterial District
Off the east line of Little Road

REQUEST: Amendment to Conditional Use (Case 90SN0225) to expand to whom operating rights for a swimming pool contractor's sales and storage business are granted. Specifically, an amendment to Condition 1 is proposed which would extend operating rights to additional family members.

PROPOSED LAND USE:

Continued operation of a swimming pool contractor's sales and storage business is planned.

RECOMMENDATION

While staff would not normally support commercial use of the request property because it lies in an area that the Matoaca Village Plan recommends residential use of one (1) unit per acre or less, the business has been operated on the property since 1973. If after receiving public input, the Planning Commission and Board of Supervisors determines it is appropriate to extend operating rights to additional family members, acceptance of the proffered condition would be appropriate.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.)

PROFFERED CONDITION

This Conditional Use shall be granted to and for Virginia Mazza, John V. Mazza, Jr., Victoria Mazza Parks and their immediate family members, exclusively, and shall not be transferable nor run with the land. Immediate family members are defined as any person

who is a natural or legally defined offspring, spouse or grandchild of Virginia Mazza, John V. Mazza, Jr. or Victoria Mazza Parks. (P)

(NOTE: This Condition supercedes Condition 1 of Case 90SN0225. All other conditions of Case 90SN0225 remain in effect.)

GENERAL INFORMATION

Location:

Off the east line of Little Road, north of Pickhurst Court. Tax ID 775-614-Part of 8471.

Existing Zoning:

A with Conditional Use to permit swimming pool contractor's office and storage yard

Size:

10.0 acres

Existing Land Use:

Single family residential and commercial (swimming pool contractor's office and storage yard)

Adjacent Zoning and Land Use:

North, South, East and West – A; Single family residential on acreage parcels or vacant

UTILITIES; ENVIRONMENTAL; AND FIRE SERVICE

The proposed amendment will have a minimal impact on these facilities.

Transportation:

In July 1990, the Board of Supervisors approved a Conditional Use (Case 90SN0225) to operate a contractor sales and storage business on a part of the Agricultural (A) zoned property. As a condition of the approval, the use was granted to specific family members. With this application, the applicant is seeking to amend the previously approved Conditional Use to transfer operating rights to additional family members. Currently, the contractor sales and storage business operates on the site today. The amendment to the Conditional Use will have no additional impact on the existing transportation network.

Subsequent to the approval of the Conditional Use permit in July 1990, the Thoroughfare Plan was revised to show a proposed collector with a recommended right-of-way width

of seventy (70) feet from Little Road to Matoaca Road. The proposed collector bisects the parent parcel, but does not encroach onto the Conditional Use area.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Matoaca Village Plan which suggests the property is appropriate for residential use of 1 unit per acre or less.

Area Development Trends:

The area is characterized by agricultural uses and zoning including larger acreage parcels occupied by single family residential uses or which are vacant.

Zoning History:

On March 7, 1973, the Board of Zoning Appeals approved a Special Exception to permit the operation of a business office from the home (Case 73A039). The applicant intended to operate a swimming pool contractor sales office from within his home.

On November 7, 1984, the Board of Zoning Appeals approved an amendment to Case 73A039 to permit expansion of the swimming pool contractor sales business to include on-site storage of materials and fabrication involving a maximum of twenty (20) employees in addition to the applicant, his wife and their children (Case 84S236). At the time of approval for Case 84A236, a five (5) year time limit was imposed on the operation.

On November 1, 1989, the Board of Zoning Appeals renewed case 84A236 for ten (10) years, plus approved construction of a 10,000 square foot building (Case 89SR0419). Except for the extended time limitation, conditions of approval were generally the same as with previous cases.

On July 25, 1990, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved Conditional Use (Case 90SN0225) to permit a swimming pool contractor's sales and storage business on the request property subject to conditions relative to operating rights, numbers of employees, hours of operation, parking, permitted structures and work areas, buffers, signage and right of way dedication.

Current Proposal:

As previously noted, the swimming pool contractor's sales and storage business has operated on the property since 1973. Numerous zoning approvals have been granted over the years to allow continued operation of the business subject to certain conditions relative to time limitations, operating rights, numbers of employees, hours of operation,

parking, permitted structures and work areas, buffers and signage. In 1990, the Board of Supervisors approved a Conditional Use to allow operation of the business to continue without a time limitation, but with numerous conditions including Condition 1 of Case 90SN0225 which granted operating rights to the property owners (John and Virginia Mazza) and their children (John, Jr. and Victoria Parks). With this request, the applicant is seeking to expand to whom operating rights are granted. Specifically, the applicant proposes to include children, spouses and grandchildren of the property owner (Virginia Mazza) and her children (John, Jr. and Victoria Parks).

CONCLUSION

While staff would not normally support commercial use of the request property because it lies in an area where the Matoaca Village Plan recommends residential use of one (1) unit per acre or less, the business has been operated on the property since 1973. If after receiving public input, the Planning Commission and Board of Supervisors determines it is appropriate to extend operating rights to additional family members, acceptance of the proffered condition would be appropriate.

